

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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Shawn Evans  
11-A-0681,

Plaintiff,

v.

Officer P. Murphy, et al.,

Defendants.

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12-CV-365  
Decision and Order

On May 10, 2012, the pro se plaintiff commenced this action, alleging claims under 42 U.S.C. § 1983. Docket Item 3. On July 19, 2013, this Court referred this case to United States Magistrate Judge Hugh B. Scott for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B), Docket Item 50, and the plaintiff subsequently moved for prospective relief and for immediate expungement of his criminal conviction. Docket Item 148. On March 22, 2018, Judge Scott issued a Report and Recommendation (“R&R”) finding that the plaintiff’s motion should be denied. Docket Item 159. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge’s recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate

judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Scott's R&R. Based on that review and the absence of any objections, the Court accepts and adopts Judge Scott's recommendation to deny the plaintiff's motion.

For the reasons stated above and in the R&R, the plaintiff's motion, Docket Item 148, is DENIED.

SO ORDERED.

Dated: June 27, 2018  
Buffalo, New York

**s/Lawrence J. Vilardo**  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE